

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH L. NASH,

Plaintiff-Appellant,

v.

DOUG WADDINGTON, Superintendent,  
Stafford Creek Corrections Center; *et al.*,

Defendant-Appellees.

Case No. C04-5161FDB


ORDER STRIKING MOTIONS

Plaintiff appealed the Report and Recommendation adopted by the Court denying injunctive relief, and the Ninth Circuit has set a briefing schedule. This cause of action was stayed pending this appeal. [Dkt. # 124.] Nevertheless, Plaintiff has filed a motion in this Court "To consider Plaintiff/Appellant Newly Discovered Evidence, .. ." [Dkt. # 132.] Plaintiff has also filed "Plaintiff Dispositive Motion For The Amended Pretrial Scheduling Order ... ." [Dkt. # 137.]

Defendant has filed a letter response to the motion regarding "newly discovered evidence" stating that in light of the stay pending Plaintiff's appeal, Defendants would respond only if directed to do so by the Court and enclose their response to a similar motion filed with the United States Court of Appeals.

NOW, THEREFORE, IT IS ORDERED: This Court is without jurisdiction to hear motions while this matter is on appeal, and Plaintiff's Motions Dkt. # 132 and # 137 are STRICKEN from the Court's calendar.

DATED this 29<sup>th</sup> day of August, 2005.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE